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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/647,300

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EXAMINER

LY, CHEYNE D

ART UNIT

PAPER NUMBER

2168

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/647,300	Applicant(s) KIM ET AL.	
	Examiner Cheyne D. Ly	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicants' arguments filed June 02, 2006 have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.
2. Claims 1-20 are examined on the merits.

OBJECTION

3. Claim 2 objected to because of the recitation of "unit that generates". Applicant is required to delete the term "that" in the phrase to clarify the claim language.

CLAIM REJECTIONS - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-3, 5-7, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fernandez (1998).**
6. The instant rejection has been necessitated by claim amendments.

7. In regard to claim 1, Fernandez discloses a media file management system for a home media center (page 32-33, Jet-Audio for Windows section, Figures 2-11, and page 34, Figure 2-12), comprising:
- a. A control signal input unit that receives at least one control signal transmitted from an input device to control operations (pages 86-88, Figure 4-18) of the home media center (page 32-33, Jet-Audio for Windows section, Figures 2-11, and page 34, Figure 2-12); and
 - b. A media file management unit that creates a search window that displays media files to be searched (pages 68-69, Figures 4-5, 4-6, and 4-8) and an edit window that displays a media content file to be edited, when the media file is required to be edited, and searching and managing the media files through the search window or the edit window in accordance with the at least one control signal (pages 263-270).
 - c. A display driving unit that displays the search window and the edit window together in a single display screen (page 61). It is noted that the inclusion of the Windows 98 reference is not being used as prior art, but only to expand on the inherent functionality of the Windows 98 operating system being utilized in the system cited above. Perry describes that the displaying of the search window and the edit window together (multiple windows) in a single display screen is inherent functionality of the Windows operating system (Perry, pages 42-43).
8. In regard to claim 2, a memory unit that stores the media file edited by the media file management unit (page 269, Undo, reverting, and saving section); and a display driving

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unit that generates displayable results of the editing of the media file by the media file management unit (page 265, Figures 12-5 and 12-6, page 266, Figure 12-7, and page 268, Figure 12-8); wherein the display driving unit that generates displayable results of the editing of the media file by the media file management unit (page 265, Figures 12-5 and 12-6, page 266, Figure 12-7, and page 268, Figure 12-8).

9. In regard to claim 3, an interface unit that accesses media files stored in another information appliance (page 67, All the other sounds on your hard drive section). It is noted that the hard drive represents the “another information appliance” from the CD player.
10. In regard to claim 5, the media files are album files containing music files (page 34, How to create an album section).
11. In regard to claim 6, the media file management unit comprises an application driving unit that drives an application configured to a type of media file selected (page 35, item b.), and manages the media file through the relevant application (page 32-33, Jet-Audio for Windows section, Figures 2-11, and page 34, Figure 2-12); an edit window creation unit that creates the search window (pages 68-69, Figures 4-5, 4-6, 4-8) or the edit window (pages 263-270); and a media file search unit that searches for media files stored in at least one of the memory unit and another information appliance (pages 68-69, Figures 4-5, 4-6, 4-8).
12. In regard to claim 7, the application driving unit causes paths of the media files searched by the media file search unit to be displayed in the search window (pages 68-69, Figures 4-5 and 4-6).

13. In regard to claim 20, Fernandez discloses a computer readable medium configured to store a set of instructions for performing media file management for a home media center (pages 293, Appendix A), said instructions comprising:

- a. Creating one of a search window that displays a plurality of media files to be searched (pages 68-69, Figures 4-5, 4-6, and 4-8), and an edit window that displays a media file to be edited (page 261, Figure 12-3) from said plurality of media files;
- b. Displaying the search window and the edit window together in a single display screen (page 61);
- c. Selecting a file edit command for a selected one of the media files displayed in the search window (page 259, last paragraph); and
- d. In the edit window, displaying results of the execution of the file edit command for the selected media files (page 261, Figure 12-3),
- e. Copying the selected media file into the edit window in response to a user selecting a copy command (page 261, steps 1-4), and
- f. Moving the selected media file into the edit window in response to the user selecting a move command (page 261, steps 1-4). It is noted that Fernandez does not explicitly describe the “move command.” However, the instant specification does not explicitly disclose the “move command.” Therefore, the disclosure of “insert...a second sound into the current sound” (page 261, Figure 12-3) wherein the “Insert File” command has been construed as a type of “move command.”

RESPONSE TO ARGUMENTS

14. On pages 8-9, Applicant argues “the Examiner is attempting to combine the features of three independent programs that run in the Windows. However, it is well settled that different embodiments may not be combined absent suggestion to do so.” Ex parte Beuther, 71 USPQ2d 1313, 1316 (BPAI 2003); In re Arkley, 455 F.2d 586, 587-588, 172 USPQ 524, 526 (CCPA 1972). Applicant’s argument is not persuasive because “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, **in a single prior art reference.**” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As asserted by Applicant the cited applications operate under a single Windows environment, such as Windows 98 (page 61), for example. It is well known in the art that Windows 98 supports the operating of independent applications in a single Windows environment (Perry, pages 16-17). While, the claimed invention is directed to “a media file management system” with the open language comprising. Therefore, the applications running in Windows 98 has been interpreted as “a media file management system...comprising...”, as supported by Applicant argument.
15. In regard to the citation of Ex parte Beuther, 71 USPQ2d 1313, 1316 (BPAI 2003); In re Arkley, 455 F.2d 586, 587-588, 172 USPQ 524, 526 (CCPA 1972), Applicant’s argument is not persuasive because the appealed application and the instant application have different fact patterns. For example, the prior art of record for the instant application is directed to applications running in Windows 98 which has been interpreted as “a media file management system” as recited by the claims. While in the appealed claim, the

BPAI did not sustain the standing prior art rejection because the BPAI has concluded “the disclosure [are] not directly related to each other by the teachings of the reference.” As cited Fernandez and Perry, the various applications function under a single operating system; therefore, one of skill in the art would have understood that the applications are directly related.

16. Claims 1-6, 8-10, 12-16, and 18 are rejected under 35 U.S.C. 102(a) as being anticipated by Rodriguez et al. (US 20030005454A1) (Rodriguez hereafter).

17. The instant rejection has been necessitated by claim amendments.

18. In regard to claim 1, Rodriguez discloses a media file management system for a home media center, comprising:

a control signal input unit that receives at least one control signal transmitted from an input device to control operations of the home media center (page 2, [0041] to page 3, [0043]);

a media file management unit (page 6, [0065] and page 9, [0078]) that creates a search window that displays media files to be searched and an edit window that displays a media content file to be edited, when the media file is required to be edited, and searching and managing the media files through the search window or the edit window in accordance with the at least one control signal (page 9, [0080] to page 12, [0091]); and

a display driving unit that displays the search window and the edit window together in a single display screen (Figures 5, 6, and 8-14, especially, “Edit/Search Screen”).

19. In regard to claim 2, Rodriguez discloses a memory unit that stores the media file edited by the media file management unit (page 4, [0049], and Figure 3); and a display driving

unit that generates displayable results of the editing of the media file by the media file management unit, wherein the display driving unit that generates displayable results of the editing of the media file by the media file management unit (Figures 5, 6, and 8-14, especially, especially Figures 13 and 14).

20. In regard to claim 3, an interface unit that accesses media files stored in another information appliance (page 4, [0049], and Figure 3, especially, Item 412)
21. In regard to claim 4, the at least one control signal received by the control input unit is output by an input device with a predetermined universal remote control function (page 4, [0049], and Figure 3, especially, Item 480, and Figure 7).
22. In regard to claim 5, the media files are album files containing music files (page 8, [0075], especially compact discs).
23. In regard to claim 6, the media file management unit comprises an application driving unit that drives a relevant application according to a type of media file selected (page 6, [0065] and page 9, [0078]), and manages the media file through the relevant application (page 6, [0065] and page 9, [0078]); an edit window creation unit that creates the search window (page 11, [0086], and Figures 12 and 13) or the edit window (page 11, [0086], and Figure 14); and a media file search unit that searches for media files stored in at least one of the memory unit and another information appliance (page 4, [0049], and Figure 3).
24. In regard to claim 8, the media file management unit causes results of the execution of a file edit command for a media file selected in the search window to be displayed in the edit window (page 11, [0085] and [0086], especially, “the user may...search or edit prior configurations by selecting...edit/search screen....displaying the current selections...”).

25. In regard to claim 9, the media file management unit causes results of the execution of a file edit command for a media file selected in the edit window to be displayed in the search (page 11, [0085] and [0086], especially, “the user may...search or edit prior configurations by selecting...edit/search screen....displaying the current selections...”).
26. In regard to claim 10, the file edit command includes a “Delete” command (page 9, column 1-33, especially, “Media content can be viewed, deleted...”).
27. In regard to claims 12-16 and 18 Rodriguez discloses a method directed to a media file management unit for a home media center as cited above.

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

30. Claims 7, 11, 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (US 20030005454A1) (Rodriguez hereafter) as applied to claims 1-6, 8-10, 12-16 and 18 above, and further in view of Fernandez (1998).

31. The instant rejection has been necessitated by claim amendments.

MOTIVATION TO COMBINE

32. Rodriguez describes an electronic communications system wherein one may be able to purchase audio or video products on the Internet and then download them to a personal computer (page 1, [0004]). While, Fernandez “helps users identify, access, download, upload, and transmit various sound files...on the Internet” (page ix, Preface section). The one of ordinary skill in the art at the time of the invention would have been motivated by Fernandez to access “identify, access, download, upload, and transmit various sound files” from the electronic communications system described by Rodriguez.

PRIOR ART

33. In regard to claims 7 and 17, Rodriguez describes all of the limitations of claims 7 and 17, except for the limitation of an application driving unit causes paths of the media files searched by the media file search unit to be displayed in the search window. Fernandez describes application driving unit causes paths of the media files searched by the media file search unit to be displayed in the search window (pages 68-69, Figures 4-5 and 4-6). Therefore, it would have been obvious to one of ordinary skill in the art to “identify, access, download, upload, and transmit various sound files” from the electronic

communications system described by Rodriguez with the paths of the file being displayed as described by Fernandez.

34. In regard to claims 11, 19, and 20, Rodriguez describes all of the limitations of claims 11, 19, and 20 except for the limitation of “copy...move...”. Copying the selected media file into the edit window in response to a user selecting a copy command (page 261, steps 1-4), and Moving the selected media file into the edit window in response to the user selecting a move command (page 261, steps 1-4). It is noted that Fernandez does not explicitly describe the “move command.” However, the instant specification does not explicitly disclose the “move command.” The disclosure of “insert...a second sound into the current sound” (page 261, Figure 12-3) wherein the “Insert File” command has been construed as a type of “move command.” Therefore, it would have been obvious to one of ordinary skill in the art to “identify, access, download, upload, and transmit various sound files” from the electronic communications system described by Rodriguez with the “copy” and “move” commands described by Fernandez.

CONCLUSION

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

36. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

37. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.
38. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.

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39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716.

The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

40. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571) 272-3642.

C. Dune Ly /*CDL*
Patent Examiner
8/14/06



TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100